

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

KENNETH J. FUINA,

Chapter 13

Case No. 06 B 22266 (ASH)

Debtor

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ORDER DISMISSING CHAPTER 13 CASE

This debtor has failed to comply with the provisions of 11 U.S.C.
§ 1307(c)(1); (c)(3) and (c)(4), § 521(i) and § 521(e) 2(A)(i) and has created unreasonable delay that is prejudicial to creditors in that he has filed eight (8) previous bankruptcy cases, to wit,

Case no. 91 B 20050, filed on January 14, 1991, dismissed on August 27, 2002;

Case no. 02 B 20367, filed on July 26, 2002, dismissed on January 29, 2003;

Case no. 03 B 20067, filed on February 3, 2003, dismissed September 15, 2003;

Case no. 03 B 23568, filed on September 17, 2003, dismissed on May 26, 2004;

Case no. 04 B 20326, filed on June 14, 2004, dismissed on December 14, 2004,
with prejudice;

Case no. 05 B 20076, filed on February 7, 2005, dismissed on March 30, 2005,
with prejudice;

Case no. 05 B 22883, filed on May 4, 2005, dismissed on July 5, 2005, with
prejudice;

Case no. 05 B 23521, filed on July 15, 2005, dismissed September 29, 2005, with
prejudice for one year.

The debtor filed this case on May 16, 2005 in violation of the order dated
September 29, 2005 dismissing his case no. 05 B 23521 with prejudice for one year.

Further, in the instant case, the debtor failed to file a plan; failed to commence proposed plan payments to the Trustee, being, at this juncture, *five months in arrears*; is over the statutory limit in secured debt; failed to provide the required documentation pursuant to § 521(i) and § 521(e); and failed to appear at the hearing on the Trustee's settlement of an order dismissing the case on October 13, 2006, as directed pursuant to this Court's order dated October 3, 2006.

This is the ninth (9th) bankruptcy case filed by this debtor, the last four (4) cases having been filed in a span of fifteen (15) months, without any effort on the debtor's part to comply with his obligations as a debtor or to accomplish any legitimate bankruptcy purpose.

Moreover, a bankruptcy petition was filed in this Court on October 10, 2006 in the name of this debtor's wife, Katherine Sims Fuina, case no. 06 B 22672, using a handwritten petition in handwriting identical to that on this debtor's petition in this case, and listing a New Jersey address. No part of the \$274 filing fee has been paid by this debtor's wife on account of case no. 06 B 22672.

It is perfectly clear that this debtor has grossly abused his creditors and the bankruptcy system. In so doing he has forfeited the privileges and protection of the Bankruptcy Code and the Bankruptcy Court.

Upon the foregoing, it is hereby

ORDERED as follows:

1. Unless the debtor applies to this Court, for good cause shown, and obtains an order modifying this Order, debtor Kenneth J. Fuina is **BARRED** from filing any petition in any court under any Chapter of the Bankruptcy Code for **FIVE (5) YEARS** from the date of this Order.

2. In the event this debtor violates paragraph 1 of this Order by filing a bankruptcy petition without permission of this Court, (a) the filing of such petition shall not invoke the automatic stay under Section 362(a) of the Bankruptcy Code with respect to any secured creditor of the debtor, and (b) the Court in which such petition is filed may act *sua sponte* to take whatever action the Court deems appropriate.

3. This Chapter 13 case is hereby dismissed.

Dated: White Plains, NY
October 23, 2006

/s/ Adlai S. Hardin, Jr.

UNITED STATES BANKRUPTCY JUDGE